Claim 68 (canceled)

REMARKS

The Applicant presents these remarks with reference to and incorporating by reference the remarks presented in the previous response to the outstanding Office Action filed September 17, 2007. It is particularly noted that Applicant has responded to the outstanding Office Action made final and mailed October 18, 2007. Accordingly, it is believed that this Amendment and Request for Reconsideration, filed with a Request for Continued Examination and corresponding fee, meets the requirements for an RCE filing.

The present Amendment and Request for Reconsideration is provided to fully address the issues identified by the Examiner in the Office Action made final of October 18th. It is believed that this Amendment and Request for Reconsideration is fully responsive in light of the outstanding Office Action and accordingly is a bona fide attempt to advance the prosecution of the application.

Amendments to the Claims

The current amendment to the claims is presented to highlight some inventive, novel and nonobvious aspects of the present invention. Some claims have been cancelled in order to fully draw out the novel and nonobvious aspects. The claims, both previously presented and currently amended, have supportive argument for novelty and nonobviousness as described in the previous Amendment and Request for Reconsideration. However, in the interest of providing a full understanding of the technology of the present invention embodied as a wireless communication headset system and wireless communication headset, as well as methods of configuring such, further amendment is herein provided to further highlight some inventive concepts in light of the cited art and art considered pertinent by the Examiner.

In operation, and as but one example, the present invention may be embodied as a wireless communication headset system operated as follows. A user may receive an incoming call or other communication or information through the technology. As an example, the user receives a telephone

call. The user may then engage the system or headset to answer the call and understand the identity of the caller and the likely purpose and substance of the telephone conversation. The user may then decide to remain in the telephone conversation and keep the system in its original configuration when the call was answered. The system may be in a head-worn configuration or in a hand-held configuration. In either event, the user may then decide to change the configuration of the system, in part based upon the expected telephone conversation and based upon other factors such as user preference and comfort. In one example, the user may elect not to mess their hair by using the system in a hand held configuration and may rotate the headband about a rotatable connection of the telephone control at a distal end of the headband.

The user is not confined to one particular rotation direction, having the ability to rotate the headband in a left or right rotation and still providing for a hand-held configuration. Not only will the invention provide for unobstructed rotation of the headband while on the head of the user, but will also allow generally the rotation of the headband, left or right and on or off the head of the user, without the limitations of having portions of the headset interfere with hand-held use. As but one example, the headset of U.S. Patent No. 4,634,816 will only rotate in one direction when on the head of the user, the stirrups 14 interfering with the head of the user and the speaker and other portions of that traditional headset. Even more concerning is that even when configured in a hand-held configuration, the technology of the '816 patent cannot rotate in one direction with the stirrup interfering with use of the headset, such the stirrup will either or both be interposed between or obstruct the ear of the user relative to the ear piece or will not rotate given interference between the stirrup and other portions of the earpiece and/or the microphone.

The rotatable connection is on a vertical axis of the headband and the telephone control at the distal end, the telephone control and the headband being rotatably connected with said rotatable connection and rotatable about said vertical axis to a head-worn configuration and a hand held configuration. Either the headband or the telephone control may be rotated. The headband and the telephone control are each rotatable about the vertical axis to a non-head worn configuration of the headband, particularly with respect to the head of a user, and to a hand-held configuration of the headband and the telephone control, either in initiating the call or after taking the call. The user may

then elect to continue the conversation with the system in a hand-held configuration or revert to a head-worn configuration, for example if the conversation is expected to be lengthy and/or if the user expects the freedom of the use of both hands during the call. Furthermore, the headset of the wireless communication headset system may be configured from a head-worn configuration to a hand-held configuration at any point, based upon the user's preference or changing preferences. These mechanical structures, the functionality thereof, and the process all highlight some of the novel and non-obvious features of the present invention. It is believed that each of these features is fully disclosed and supported by the original application.

A further advantage of the technology is the dual configurations and the ability to wear the technology for an extended time or not, to opt for a hand-held configuration, and to be able to adjust or change from a head-worn configuration on the head, with associated tightness on the user's head. Furthermore an additional advantage would be the capability to go from a head-worn configuration to a hand-held configuration, or the reverse, in order to adjust the physical pressure between the earpiece or ear cup and the user's ear, thereby adjusting or even improving the reception of sound from the technology to the user's ear by applying pressure on the technology, either by hand or by head configuration, to the user's head and ear. Accordingly, the technology uniquely allows the user to both adjust for better comfort or better audio reception in a way not heretofore understood from previous technologies.

Prior Art Issues

The Examiner has alleged that certain claims are made obvious in light of the cited references or notice taken by the examiner, all at least with view to Hall et al and the patent U.S. 4,634,816. The Examiner also notes that other patents may be pertinent to the instant invention. It is presently asserted that the claims are novel and nonobviousness in light of the art of record, both as cited and as noted by the Examiner as pertinent, and accordingly the outstanding rejections based upon such references should be withdrawn.

The present invention is not obvious in light of the prior art of record

The Examiner has not shown or established that at the time the invention was made, all claim limitations are taught or suggested by the cited art, established the suggestion or motivation to modify or combine the cited references, even if the claim limitations were taught, or a reasonable expectation of success, with respect to the claimed recitations of claims 1, 35, 37, and 63.

As previously described and as explained by the Examiner in the outstanding Office Action, the Mack et al. reference does not teach claimed features of the present invention. Furthermore, as also previously described, the Hall et al. reference does not teach the missing claim limitations, does not provide motivation to modify or combine the cited references in any event, and provides no reasonable expectation of success even if such references were modified or combined. It is further urged that the patent references cited by the Examiner also do not afford the missing parameters of Hall necessary to support a rejection based upon obviousness.

Furthermore, the disclosure of U.S. patent 4,634,816 further lacks teaching, suggestion and motivation to modify, particularly in light of the lack of a reasonable expectation of success, given that the headset of U.S. Patent No. 4,634,816 will only rotate in one direction when on the head of the user, the stirrups 14 interfering with the head of the user and the speaker and other portions of that traditional headset. Even more concerning, as previously described, is that even when configured in a hand-held configuration, the technology of the '816 patent cannot rotate in one direction with the stirrup interfering with use of the headset, such the stirrup will either or both be interposed between or obstruct the ear of the user relative to the ear piece or will not rotate given interference between the stirrup and other portions of the earpiece and/or the microphone.

The user of the present invention is not confined to one particular rotation direction, having the ability to rotate the headband in a left or right rotation and still providing for a hand-held configuration. Not only will the invention provide for unobstructed rotation of the headband while on the head of the user, but will also allow generally the rotation of the headband, left or right and on or off the head of the user, without the limitations of having portions of the headset interfere with hand-held use.

CONCLUSION

In light of the above amendment and remarks, the Examiner's early reconsideration is earnestly requested.

If any outstanding issues remain with respect to this present amendment and request for reconsideration, the Examiner is respectfully requested to contact the undersigned attorney of record at his earliest convenience to initiate the resolution of any remaining concerns.

Dated this 18th day of March, 2008.

Respectfully submitted,
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